

SJ Quinney College of Law, University of Utah

Utah Law Digital Commons

Utah Code Annotated 1943-1995

1981

Title 41 Chapter 02: Operators and Chauffeurs - 1981

Utah Code Annotated

Follow this and additional works at: <https://dc.law.utah.edu/uca>

The Utah Code Annotated digital collection, hosted by Digital Commons, is brought to you for free and open access by the James E. Faust Law Library at the S.J. Quinney College of Law. Funds for this project have been provided by the Institute of Museum and Library Services through the Library Services and Technology Act and are administered by the Utah State Library Division. For more information, please contact valeri.craigle@law.utah.edu.

Recommended Citation

Utah Code Annotated Title 4102 (Michie, 1981)

This Book is brought to you for free and open access by Utah Law Digital Commons. It has been accepted for inclusion in Utah Code Annotated 1943-1995 by an authorized administrator of Utah Law Digital Commons. For more information, please contact valeri.craigle@law.utah.edu.

Effective Date.

Section 3 of Laws 1979, ch. 183 provided:
 "This act shall take effect July 1, 1979."

Cross-References.

Driver education classes, 53-14-13 to
 53-14-17.

41-1-145. Payment of tax prerequisite to registration of motor vehicle. The collection and payment of said automobile driver education tax shall be a prerequisite to the registration of any motor vehicle subject to the preceding section.

History: C. 1953, 41-1-145, enacted by L.
 1957, ch. 72, § 1.

41-1-146. Disposition of driver education taxes — Expense appropriation. All of said automobile driver education taxes received and collected pursuant to the foregoing provisions of law shall be transmitted daily to the state treasurer and shall be placed to the credit of an account to be known as the automobile driver education tax account within the uniform school fund.

The necessary expenses of the state tax commission incurred in the administration and collection of said tax shall be paid from its legislative appropriation in the general fund, which fund shall be reimbursed by a transfer for said expenses from the legislative appropriation of the uniform school fund.

History: C. 1953, 41-1-146, enacted by L.
 1957, ch. 72, § 1; L. 1967, ch. 80, § 1.

Compiler's Notes.

The 1967 amendment substituted "credit of an account" for "credit of a fund" in the first paragraph; substituted "tax account within the uniform school fund" for "tax fund" at the end of the first paragraph; and substi-

tuted "shall be paid * * * uniform school fund" at the end of the second paragraph for "shall be a claim against the driver education tax fund and when paid shall be charged to said fund."

Cross-References.

Transfer of funds to driver education fund,
 53-14-17.

CHAPTER 2

OPERATORS' AND CHAUFFEURS' LICENSE ACT

Section

- 41-2-1. Definitions.
- 41-2-2. Operators and chauffeurs must be licensed.
- 41-2-3. Persons not required to obtain license.
- 41-2-4. Nonresidents — When exempt from license — Effect of Drivers' License Compact.
- 41-2-5. Persons to whom license shall not be issued.
- 41-2-6. Examination of applicants for chauffeur's license — Age limits for drivers of school buses and public passenger-carrying motor vehicles — Misdemeanor to drive under classification in which driver not licensed — Waiver of driving examination by employer certification.
- 41-2-7. Instruction permits — Restricted instruction permits.
- 41-2-8. Application for operator's or chauffeur's license.
- 41-2-9. Department may impose restrictions — Special licenses.
- 41-2-10. Application of minors — Liability of person signing application.
- 41-2-11. Examination of applicant's physical and mental fitness to operate motor vehicle.
- 41-2-11.5. Motorcycle operators — Licensing requirements — Examination — Temporary instruction permit — Violation constitutes misdemeanor.

- 41-2-12. Records to be filed — Suitable indices kept.
- 41-2-12.1. Fee for making report.
- 41-2-12.2. Fees deposited in transportation fund — Expenses of tax commission — Budget.
- 41-2-12.3. No fee for reports made to governmental agencies.
- 41-2-13. Licenses issued to operators and chauffeurs — Contents — Anatomical gift indication — Temporary licenses — Minors' licenses and permits.
- 41-2-13.1. Change of address — Duty of licensee to notify department.
- 41-2-14. Duplicate license certificate — Fee.
- 41-2-15. License to be carried when driving — Production in court.
- 41-2-16. Expiration dates of operators' and chauffeurs' licenses — Renewal — Fees for renewal — Extension without examination — Files, forms and clerical help — Licensees in armed forces.
- 41-2-17. Court to report convictions and may recommend suspension of license.
- 41-2-18. Mandatory revocation of license — Extension of period of suspension — Hearing — Limited driving privileges — Instructional programs.
- 41-2-19. Department may suspend or revoke licenses — Separate procedures for assessing points for speeding — No points assessed on minimum violations — Exception for school zones.
- 41-2-20. Canceling, suspending or revoking licenses — Petition for hearing in court of record.
- 41-2-21. New license after revocation.
- 41-2-22. Owner liable for negligence of minor.
- 41-2-23. Violation of license provisions.
- 41-2-24. Making false affidavit perjury.
- 41-2-25. Unlawful to permit unlicensed minor to drive.
- 41-2-26. Unlawful to employ unlicensed chauffeur.
- 41-2-27. Unlawful to permit violation of act — Renting vehicles.
- 41-2-28. Unlawful to drive while license suspended or revoked.
- 41-2-29. Violation of act — Penalty.
- 41-2-30. Penalty for driving while license suspended or revoked.
- 41-2-31. Uniformity of interpretation.
- 41-2-32. Short title.
- 41-2-33 to 41-2-35. Repealed.
- 41-2-36. Repealed.
- 41-2-37, 41-2-38. Repealed.
- 41-2-39. Impaired persons — Licensing — Examination — Information confidential.
- 41-2-40. Driver license medical advisory board — Membership — Recommendations — Action regarding impaired persons — Duty to report impairments — Immunity from damages.

41-2-1. Definitions. The following words and phrases when used in this act shall, for the purpose of this act, have the meaning respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(d) "Person." Every natural person, firm, copartnership, association or corporation.

(e) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event of mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) "Operator." Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(g) "Chauffeur." Every person who is employed by another for the principal purpose of driving a motor vehicle, every person who drives a school bus transporting school children or nursery school children or any motor vehicle when in use for the transportation of persons or property for compensation and every person who is employed by another for the principal purpose of driving a motor vehicle, operating any motor vehicle or combination of vehicles having a combined gross laden weight in excess of 10,000 pounds.

(h) "Nonresident." Every person who is not a resident of this state and who has not sojourned or engaged in any gainful occupation in this state for an aggregate period of sixty days in the preceding twelve months.

(i) "Street or Highway." The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(j) "Department." The division of drivers' licenses and accident records of the department of public safety.

(k) "School Bus." Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(l) "Suspension" — means that the licensee's privilege to drive a vehicle is temporarily withdrawn.

(m) "Revocation" — means that the licensee's privilege to drive a vehicle is terminated. A new license may be obtained only as permitted by law.

(n) "Cancellation" — means that a license which was issued through error or fraud or for which necessary consent has been withdrawn is terminated. A new license may be obtained only as permitted by law.

(o) "License" — means the privilege to operate a motor vehicle over the highways of this state.

(p) "License Certificate" — means the evidence of the privilege to operate a motor vehicle over the highways of this state.

(q) "Motorcycle." Every motor vehicle, except farm tractors, designed to travel on not more than three wheels in contact with the ground.

History: L. 1933, ch. 45, § 1; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-3; L. 1951 (1st S.S.), ch. 9, § 1; 1967, ch. 81, § 1.

Compiler's Notes.

The 1935 amendment inserted "Street or" in subd. (i); and added subd. (k).

The 1941 amendment rewrote subd. (g); added "and who has not sojourned * * * twelve months" to subd. (h); and added subds. (l) through (p).

The 1951 (1st S.S.) amendment substituted subd. (j) defining "Department" for a subd. (j) defining "the state tax commission."

The 1967 amendment inserted "or nursery school children" in subd. (g) defining chauffeur; added "and every person * * * in excess of 10,000 pounds" to subd. (g); added subd. (q) defining "motorcycle"; and made a minor change in phraseology.

Title of Act.

An act amending section 57-4-3, Utah Code Annotated 1943, placing the administration and control of driver licensing under the commissioner of public safety. — Laws 1933, ch. 45.

Uniform Laws.

The Uniform Motor Vehicle Operators' and Chauffeurs' License Act was declared obsolete by the National Conference of Commissioners on Uniform State Laws in August 1943.

In 1946 the Conference endorsed the Uniform Vehicle Code revised and approved by

the National Conference on Street and Highway Safety. In 1948 the National Conference endorsed certain revisions approved by the National Conference on Street and Highway Safety.

The Motor Vehicle Operators' and Chauffeurs' License Act was adopted in Arkansas, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Michigan, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Tennessee, Utah and Washington, and with modifications in Colorado and Kentucky.

Effective Date.

Section 2 of Laws 1951 (1st S.S.), ch. 9 provided: "This act shall take effect July 1, 1951."

Cross-References.

Driver's License Compact, 41-17-3.

Words and phrases defined by statute, construction of, 68-3-11.

Collateral References.

Automobiles ⇔ 132.

60 CJS Motor Vehicles § 146.

Licensing of drivers or operators, 7A AmJur 2d 269 et seq., Automobiles and Highway Traffic § 96 et seq.

41-2-2. Operators and chauffeurs must be licensed. No person except those expressly exempted under sections 41-2-3, 41-2-4, 41-2-7 and 41-2-13(d) [41-2-13 (3)] shall drive any motor vehicle upon a highway in this state unless such person upon application has been licensed as an operator or chauffeur by the department under the provisions of this act.

History: L. 1933, ch. 45, § 2; C. 1943, 57-4-4.

Compiler's Notes.

The bracketed reference to 41-2-13(3) was made to indicate redesignation of the subdivision referred to.

Collateral References.

Carry or display operator's license or vehicle registration certificate, validity and construction of statute making a criminal offense for operator of a motor vehicle not to, 6 ALR 3d 506.

Civil rights and liabilities as affected by failure to comply with regulations as to registration of automobile or motorcycle or licensing of operator, 16 ALR 1108, 35 ALR 62, 38 ALR 1038, 43 ALR 1153, 54 ALR 374, 58 ALR 532, 61 ALR 1190, 78 ALR 1028, 87 ALR 1469, 111 ALR 1258, 163 ALR 1375.

Construction and application of statutes requiring "chauffeurs" licenses, 105 ALR 69.

"Habitual," "persistent," or "frequent" violations of traffic regulations, validity and construction of legislation authorizing revocation or suspension of operator's license for, 9 ALR 3d 756.

Lack of proper automobile registration or operator's license as evidence of operator's negligence, 29 ALR 2d 963.

Loan of car to unlicensed driver as affecting liability of owner for negligence, 68 ALR 1015, 100 ALR 926, 168 ALR 1364.

Point system, as regards suspension or revocation of license of operator of motor vehicle, regulations establishing, 5 ALR 3d 690.

Purchasing motor vehicle for, or giving it to, minor or incompetent driver as rendering donor liable for driver's acts, 36 ALR 2d 735.

Validity, construction, and application of age requirements for licensing of motor vehicle operators, 86 ALR 3d 475.

Validity of statute or ordinance relating to granting or revocation of license or permit to operate automobile, 71 ALR 616, 108 ALR 1162, 125 ALR 1459.

41-2-3. Persons not required to obtain license. (a) No person shall be required to obtain an operator's or chauffeur's license for the purpose of driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

(b) Every person in the service of the army, navy, or marine corps of the United States and when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this act.

History: L. 1933, ch. 45, § 3; 1935, ch. 47, § 2; C. 1943, 57-4-5.

Compiler's Notes.

The 1935 amendment deleted "or his own truck for the purpose of hauling his own pro-

duce to or from his own farm not to exceed two miles, or implement of husbandry temporarily drawn, moved or propelled on the highways" after "any farm tractor" in subsec. (a).

41-2-4. Nonresidents — When exempt from license — Effect of Drivers' License Compact. (1) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license certificate issued to him in his home state or country may operate a motor vehicle in this state only as an operator.

(2) A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license certificate issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur except such persons as referred to by subsection (4) herein.

(3) Any nonresident who is at least eighteen years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than sixty days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident.

(4) Paragraph (3) of Article V of the Drivers' License Compact (41-17-3) is intended to prevent a person having more than one license conferring upon him a valid and effective privilege to drive a vehicle of a particular class or classes in this state. In order to implement this principle the department shall not require the surrender of a license issued by another state which is a party to the compact, if such surrender would deprive the licensee of any privilege to drive for which the application is made and for which the department proposes to issue. Nothing in this act shall be construed to prevent the department from denying an application for an operator's or chauffeur's license on account of violation of the laws, ordinances, rules or regulations of this state or any other state.

History: L. 1933, ch. 45, § 4; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-6; L. 1965, ch. 78, § 1; 1975, ch. 119, § 1.

Compiler's Notes.

The 1935 amendment rewrote this section; and extended the period mentioned in subd. (c) from 30 to 90 days.

The 1941 amendment inserted "certificate" in subds. (a) and (b).

The 1965 amendment changed the age limitation in subsec. (a) from 16 to 17; substituted "such persons as referred to by subsection (d) herein" at the end of subsec. (b) for "any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this state"; reduced the period mentioned

in subsec. (c) from 90 to 60 days; and added subsec. (d).

The 1975 amendment redesignated subsecs. (a) through (d) as (1) through (4); reduced the age requirement in subsec. (1) from 17 to 16; and made minor changes in style.

Collateral References.

Constitutionality and construction of statutes with respect to nonresident motor vehicle operators' or drivers' licenses, 82 ALR 1392.

41-2-5. Persons to whom license shall not be issued. (1) An operator's license shall not be granted to any person under the age of sixteen years, and a chauffeur's license shall not be granted to any person under the age of eighteen years. Neither an operator's nor chauffeur's license shall be granted to any person who has not completed a course in driver training approved by the commissioner of public safety, but this prohibition shall not apply to persons who have been issued such licenses before the effective date of this act nor to persons sixteen years of age or older making application for license who have been issued a valid operator's or chauffeur's license in another state or country.

(2) The department shall not issue an operator's or chauffeur's license certificate to any person whose license, either as an operator or chauffeur has been suspended during the period of such suspension. The department shall not again grant a license nor issue a license certificate to any person whose privilege has been revoked, except as provided in 41-2-21.

(3) The department shall not grant an operator's or chauffeur's license to any person who it has determined is an habitual drunkard, is a habitual user of narcotic drugs, or is a habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle.

(4) No operator's or chauffeur's license shall be granted to any person who has previously been adjudged mentally incompetent and who has not at the time of application been restored to competency by the methods provided by law.

(5) The department shall not grant an operator's or chauffeur's license to any person when in the opinion of the department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be granted to any person who is unable to understand highway warning or direction signs in the English language.

(6) No operator's or chauffeur's license shall be granted to any person who is required by this act to take an examination, unless such person shall have successfully passed such examination.

(7) The department shall not approve an application for a renewal or duplicate operator or chauffeur license, nor shall any operator or chauffeur license be issued to a person when a warrant of arrest from within the

State of Utah is in effect for failure to appear in answer to a summons, for a moving traffic violation, until such person has furnished satisfactory proof to the department showing that the warrant has been vacated, or the case has otherwise been adjudicated or disposed of pursuant to law and has paid an additional fee of \$2 to the department to be used in the administration of the drivers' license division.

History: L. 1933, ch. 45, § 5; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-7; L. 1955, ch. 68, § 1; 1965, ch. 78, § 2; 1967, ch. 82, § 1; 1975, ch. 67, § 2; 1979, ch. 156, § 1.

Compiler's Notes.

The 1935 amendment added subsecs. (f) and (g).

The 1941 amendment deleted "nor to any person whose license, either as operator or chauffeur, has been revoked under the provisions of this act until the expiration of one year after such license was revoked, except as provided in subsection (b) section 18 of this act" at the end of the first sentence of subsec. (b); deleted a subsec. (g) which read: "No operator's or chauffeur's license shall be issued to any person who is required under the provisions of the motor vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof"; and made minor changes in phraseology.

The 1955 amendment added a proviso in subsec. (a) relating to person having completed an approved course of high school driver education.

The 1965 amendment changed the minimum age requirement for operators' licenses in subsec. (a) from 16 to 17 years; and changed the age for person having completed

a driver education course from 15 ½ to 16 years.

The 1967 amendment redesignated subsecs. (a) to (f) as (1) to (6); reduced the minimum age requirement in subsec. (1) from 17 to 16 years; substituted the second sentence of subsec. (1) for a proviso which read: "provided, however, that any person having successfully completed an approved course of high school driver education may be granted an operator's license at age sixteen, as provided in chapter 2 of this Title"; substituted "is a habitual user of narcotic drugs" for "is addicted to the use of narcotic drugs" in subsec. (3); and added "or is a habitual user * * * a motor vehicle" to subsec. (3).

The 1975 amendment substituted "mentally incompetent" in subsec. (4) for "to be afflicted with or suffering from any mental disability or disease."

The 1979 amendment added subsec. (7).

Cross-References.

Driving by minors generally, 41-8-1.

Collateral References.

Automobiles ⇄ 138.

60 CJS Motor Vehicles § 155.

Qualifications for license, 7A AmJur 2d 278, Automobiles and Highway Traffic §§ 109, 110.

41-2-6. Examination of applicants for chauffeur's license — Age limits for drivers of school buses and public passenger-carrying motor vehicles — Misdemeanor to drive under classification in which driver not licensed — Waiver of driving examination by employer certification. (a) The department shall appropriately examine each applicant according to the class of chauffeur's license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public. Upon issuing a chauffeur's license the department shall indicate on the license certificate the class of license so issued.

(b) No person who is under the age of twenty-one years shall drive any school bus transporting school children or nursery school children or any motor vehicle when in use as a contract or common carrier of persons or property, nor in any event, until he has been licensed as a chauffeur for one or more of such purposes and the license certificate so indicates. The

department shall not grant a chauffeur's license for any such purpose unless the applicant has had at least one year of driving experience prior thereto and has filed with the department one or more certificates signed by a total of at least three responsible people to whom he is well known certifying as to his good character and habits and the department is fully satisfied as to the applicant's competency and fitness to be so licensed. It shall be a misdemeanor for any person to drive a vehicle as a chauffeur under any classification of license unless he is licensed under that classification.

(c) At the discretion of the commissioner and under standards established by the department, persons who are employed as drivers may submit an employer's certification in lieu of the driving segment of the examination for a chauffeur's license. The department shall maintain necessary records and take appropriate actions to certify companies desiring to qualify under the waiver program.

History: L. 1933, ch. 45, § 6; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-8; L. 1967, ch. 81, § 1; 1981, ch. 180, § 1.

Compiler's Notes.

The 1935 amendment changed the age limits for driving a school bus or passenger carrying vehicle from 18 to 21 years; and added subsecs. (b), (c), and (d).

The 1941 amendment inserted subsec. (a); combined former subsecs. (a) and (b) as subsec. (b); deleted a subsec. (c) which read: "No such license shall be granted until the department is fully satisfied as to the applicant's competency and fitness to be so employed"; and deleted a subsec. (d) which read: "The department may in its discretion impose such rules and regulations for the exercise of such special chauffeurs' licenses as it may deem necessary for the safety and welfare of the traveling public."

The 1967 amendment deleted "more than ten" after "school bus transporting" in subsec. (b); inserted "or nursery school children" in the first sentence of subsec. (b); substituted "one or more such purposes" for "either such purpose" near the end of the first sentence; substituted "licensed" for "employed" at the end of the second sentence of subsec. (b); and made a minor change in phraseology.

The 1981 amendment added subsec. (c).

Chapter 81 of Laws 1967 took effect January 1, 1968.

Collateral References.

Automobiles ⇐ 139.

60 CJS Motor Vehicles § 156.

7A AmJur 2d 280, Automobiles and Highway Traffic § 111.

41-2-7. Instruction permits — Restricted instruction permits. (a)

The department upon receiving from any person more than sixteen years old, an application for a license may, in its discretion, after such person has successfully passed all parts of the examination not involving the actual operation of a motor vehicle, issue a temporary instruction permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of six months from the date of the application when accompanied by a licensed operator or chauffeur who is actually occupying the seat beside the driver and there is no other person in the vehicle. Nothing herein contained shall prohibit the occupancy of a vehicle by more than one student in the vehicle when being driven as provided in paragraph (b) of this section.

(b) The department upon receiving proper application may, in its discretion, issue a restricted instruction permit effective for a school year or

more restricted period to an applicant who is enrolled in a high school driver education program which includes practice driving provided said program is approved by the state department of education even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area and only when an approved instructor is occupying a seat beside the permittee.

History: L. 1933, ch. 45, § 7; 1941, ch. 51, § 2; C. 1943, 57-4-9; L. 1955, ch. 68, § 1; 1965, ch. 78, § 2.

Compiler's Notes.

The 1941 amendment substituted "license" for "temporary instruction permit"; inserted "after such person * * * operation of motor vehicle"; and changed the time limit of license from 60 days to 6 months.

The 1955 amendment changed the age requirement in the first sentence of subsec. (a) from 16 to 15 ½ years; added the last sentence of subsec. (a); and added subsec. (b).

The 1965 amendment changed the age requirement in the first sentence in subsec. (a) from 15 ½ to 16 years.

Effective Date.

Section 2 of Laws 1955, ch. 68 provided: "This act shall take effect July 1, 1955."

Driver education schools.

Action testing validity of regulation allowing high school students under seventeen to receive driver's license on completion of public school driver's education course, in effect excluding the privilege in the case of private or commercial driver training schools, is rendered moot by plaintiff's having received license. *McRae v. Jackson* (1974) 526 P 2d 1190.

Collateral References.

Automobiles ⇌ 132.

60 CJS Motor Vehicles § 146.

7A AmJur 2d 277, Automobiles and Highway Traffic § 108.

41-2-8. Application for operator's or chauffeur's license. (1) Application for an original operator's or chauffeur's license shall be made upon a department form by any person who does not hold a valid Utah operator's or chauffeur's license certificate and who wishes to be licensed to drive in the state. An original application shall be accompanied by a fee of \$5.00, which shall entitle the applicant to not more than three attempts to pass the examination within six months of the date of the application, to an instruction permit if needed, and, when the examination is passed, to an original license, which shall expire on the birth date of the applicant in the fourth year following the year of issuance of the license. Under no condition shall there be any refund of the fee paid.

(2) The department may charge a reasonable service charge not to exceed \$5.00 for the processing of all checks which are returned to the department without payment, and it shall not issue the operator's or chauffeur's license until the payment and service charge is received.

(3) If the applicant for an original chauffeur's license is already licensed as an operator, his operator's license certificate shall be surrendered before the chauffeur's license is issued.

(4) Every original application shall state under oath the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has heretofore been

licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and such other information as the department shall require.

(5) The department shall require acceptable proof of the name, date and place of birth of every applicant, which proof shall consist of at least one of the following:

- (a) Current driver's license
- (b) Birth certificate
- (c) Selective Service registration
- (d) Other proof such as church records, family Bible notations, school records or other evidence deemed acceptable by the department.

(6) Whenever an application is received from a person previously licensed in another state, the department shall request a copy of the operator's record from such other state. When received, the operator's record shall become part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

(7) Application for an original operator's or chauffeur's license after the suspension or revocation of a previous license shall be accompanied by an additional fee of \$5.

History: L. 1933, ch. 45, § 8; 1941, ch. 66, § 1; C. 1943, 57-4-10; L. 1943, ch. 61, § 1; 1951, ch. 64, § 1; 1961, ch. 82, § 1; 1967, ch. 82, § 2; 1969, ch. 97, § 1; 1973, ch. 79, § 1; 1980, ch. 45, § 7.

Compiler's Notes.

The 1941 amendment rewrote this section.

The 1943 amendment made minor changes in phraseology.

The 1951 amendment increased the license fee from \$1 to \$2; and changed the expiration date from "a year from the end of the calendar quarter in which the examination was passed" to "on the birthday of the applicant in the fifth year following year of issuance of the license."

The 1961 amendment increased the application fee from \$2 to \$3; changed the expiration date from the fifth year following issuance of license to the third year; and added the last subsection.

The 1967 amendment increased the application fee from \$3 to \$5; changed the expiration date from the third year to the fourth year after issuance; deleted a sentence at the

end of subsec. (2) which read: "A surrendered operator's license certificate which expires later than a subsequently granted chauffeur's license shall be held by the department until the license as an operator expires or until claimed by a licensee upon expiration of his chauffeur's license or surrender of his chauffeur's license certificate"; and made minor changes in phraseology and style.

The 1969 amendment inserted subsec. (4); and redesignated former subsec. (4) as (5).

The 1973 amendment inserted subsec. (2); and redesignated the remaining subsections accordingly.

The 1980 amendment added subsec. (7).

Effective Date.

Section 2 of Laws 1961, ch. 82 provided: "This act shall take effect upon the first day of July, 1961."

Collateral References.

Automobiles ⇐ 139.

60 CJS Motor Vehicles § 156.

7A AmJur 2d 271, Automobiles and Highway Traffic, § 99.

41-2-9. Department may impose restrictions — Special licenses. (a) The department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to

the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may either grant a special restricted license or may set forth such restrictions upon the usual license certificate.

(c) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this act.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license granted to him.

History: L. 1933, ch. 45, § 8x added by L. 1935, ch. 47, § 3; L. 1941, ch. 51, § 2; C. 1943, 57-4-11.

Compiler's Notes.

The 1941 amendment substituted "certificate" for "form" in subsec. (b); added subsec. (d); and made a minor change in phraseology.

Collateral References.

Automobiles \S 136.
60 CJS Motor Vehicles \S 146.
7A AmJur 2d 271, Automobiles and Highway Traffic \S 100.

41-2-10. Application of minors — Liability of person signing application. (1) The application of any person under the age of eighteen years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by the father, mother or guardian of the applicant, or, in the event there is no father, mother, or guardian having custody of such minor, then by some responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(2) Any negligence or willful misconduct of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct (except as otherwise provided in the next succeeding subsection).

(3) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, then the department may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding subsection of this section.

(4) Any person who has signed the application of a minor for a license may thereafter file with the department a verified written request that the

license of said minor so granted be canceled. Thereupon the department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

(5) The department upon receipt of satisfactory evidence of the death of the person or persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act. This provision shall not apply in the event the minor has attained the age of eighteen years.

History: L. 1933, ch. 45, § 9; 1935, ch. 47, § 2; C. 1943, 57-4-12; L. 1967, ch. 82, § 3.

Compiler's Notes.

The 1935 amendment rewrote a subsec. (a) which read: "The department shall not grant the application of any minor under the age of eighteen years for an operator's license unless such application is signed by the father of the applicant if the father is living and has custody of the applicant, otherwise by the mother or guardian having custody of such minor, or in the event a minor under the age of 18 years has no father, mother, or guardian, then an operator's license shall not be granted to the minor unless his application therefor is signed by his employer"; and added subsecs. (b) to (f).

The 1967 amendment redesignated subsecs. (a) to (e) as (1) to (5); deleted a subsec. (f) which read: "All operators' licenses issued to persons who are under the age of eighteen years at the effective date of this act are hereby canceled until they have been duly

reapplied for as provided in this section"; and made minor changes in phraseology.

Contributory negligence.

This section does not require that the contributory negligence of a minor driver be imputed to the designated responsible person in his action against a negligent third party but is merely designed to protect innocent third parties from the negligence of a minor driver by providing financial responsibility. *Phillips v. Tooele City Corp.* (1972) 28 U 2d 223, 500 P 2d 669.

Collateral References.

Automobiles ⇔ 43, 138, 139.

60 CJS Motor Vehicles §§ 110, 155, 156.

Person signing minor's application for driver's license, 7A AmJur 2d 863, Automobiles and Highway Traffic § 636.

Construction and effect of statutes which make parent, custodian, or other person signing minor's application for vehicle operator's license liable for licensee's negligence or willful misconduct, 26 ALR 2d 1320.

41-2-11. Examination of applicant's physical and mental fitness to operate motor vehicle. (1) The department shall examine every applicant for an operator's or chauffeur's license, including a test of the applicant's eyesight by the department or by the applicant furnishing to the department a certificate from a person engaged in the practice of medicine and surgery and the treatment of human ailments, or in the practice of optometry as defined under chapters 12 and 16, respectively, of Title 58, showing his vision corrected or uncorrected, to be 20/40 or better, and of his ability to read and understand highway signs regulating, warning and directing traffic, his knowledge of the traffic laws of this state and such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, and as to whether any facts exist which would bar the issuance of a license under section 41-2-5. Such test shall also include an

actual demonstration of the applicant's ability to exercise ordinary and responsible control in the operation of a motor vehicle.

(2) Except as provided in subsection 41-2-16(3), upon application for renewal of any operator's or chauffeur's license the department shall cause each applicant to be re-examined as upon application for an original license as provided above, although the department may, in proper cases, waive that portion of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

History: L. 1933, ch. 45, § 10, 1935, ch. 47, § 2; C. 1943, 57-4-13; L. 1967, ch. 82, § 4; 1980, ch. 46, § 1.

Compiler's Notes.

The 1935 amendment deleted a reference to subsec. (c) in the first sentence; deleted a subsec. (c) which read: "The department may in its discretion issue an operator's or chauffeur's license under this act without examination to every person applying therefor within three months after this section takes effect and who is of sufficient age, as required by section 5 of this act, to receive the license applied for and who furnishes evidence satisfactory to the department that such applicant has previously operated any motor vehicle in a satisfactory manner within this state over a period of not less than one year"; and made a minor change in phraseology.

The 1967 amendment rewrote this section which read: "(a) The department shall examine every applicant for an operator's or chauffeur's license before issuing any such

license, except as otherwise provided in subsection (b) of this section. The department shall examine the applicant as to his physical and mental qualifications to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under section 41-2-5, but such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this act.

"(b) The department may in its discretion waive the examination of any person applying for the renewal of an operator's or chauffeur's license issued under this act."

The 1980 amendment inserted the exception at the beginning of subsec. (2).

Collateral References.

Automobiles ⇨ 139.

60 CJS Motor Vehicles § 156.

41-2-11.5. Motorcycle operators — Licensing requirements — Examination — Temporary instruction permit — Violation constitutes misdemeanor. (1) The department shall require any person who operates a motorcycle upon a street or highway which is required to be registered and licensed as a motor vehicle in this state, to possess a valid operator or chauffeur license, except as otherwise provided in subsection (2) of this section. In addition, such person shall pass an examination administered by the department on motorcycle operation and demonstrate the physical qualifications necessary to operate a motorcycle consistent with the safety of such operator and the safety of other persons and their property. The department in its discretion may, after such person has successfully passed all parts of the motorcycle examination not involving the actual operation of a motorcycle, issue a temporary instruction permit entitling the applicant to operate a motorcycle during daylight hours off freeways and heavily traveled streets, roads, and highways for a period of two months; provided, the temporary permit is in the immediate possession of the applicant and that the applicant does not carry a passenger on the motorcycle

at any time. Upon passing the examination on motorcycle operation, the department shall indicate on the operator or chauffeur license certificate that the licensee is qualified to operate a motorcycle.

(2) The department shall issue to an applicant who is not the holder of an operator or chauffeur license but who has otherwise qualified in accordance with this section, unless such applicant's driving privilege has been suspended or revoked for cause, a license authorizing the applicant to operate a motorcycle but no other motor vehicle.

(3) All provisions of Title 41, Chapter 2, pertaining to the issuance of an operator or chauffeur license shall apply to the issuance of a motorcycle license under this section, including but not limited to fees, requirements for driver training and the renewal of licenses.

(4) It is a class C misdemeanor for a person to operate a motorcycle in this state without being duly licensed.

History: C. 1953, 41-2-11.5, enacted by L. 1977, ch. 169, § 1.

Title of Act.

An act repealing and re-enacting section 41-2-11.5, Utah Code Annotated 1953, as enacted by chapter 81, Laws of Utah 1967; relating to motor vehicles; providing for the issuance of a motorcycle license to persons who do not possess a valid operator or chauffeur license but otherwise qualify under Title 41, chapter 2, under certain specified conditions. — Laws 1977, ch. 169.

Compiler's Notes.

Laws 1977, ch. 169, § 1 repealed old section 41-2-11.5 (L. 1967, ch. 81, § 2), relating to licensing and examination requirements for motorcycle operators, and enacted new section 41-2-11.5.

41-2-12. Records to be filed — Suitable indices kept. (1) The department shall file every application for a license received by it in alphabetical order and shall maintain suitable indices containing:

(a) All applications denied and on each thereof note the reason of such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.

(2) The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved where a conviction has resulted shall be readily ascertainable and available for the consideration by the department upon any application for renewal of license and at other suitable times.

(3) Any peace officer shall have the authority to make notations of traffic violations of which he is a witness and shall forward a record of all such notations to the department to be copied on the application of the licensee.

History: L. 1933, ch. 45, § 12; 1935, ch. 47, § 2; C. 1943, 57-4-15; L. 1967, ch. 82, § 5; 1969, ch. 98, § 1.

Compiler's Notes.

The 1935 amendment rewrote subsec. (a) which read: "The department shall file every

application for an operator's or chauffeur's license and index the same by name and number and maintain suitable records of all licenses issued and all applications for licenses denied, also a record of all licenses which have been suspended or revoked"; and added subsecs. (b) and (c).

The 1967 amendment redesignated subsecs. (a) to (c) as (1) to (3); and deleted "in alpha-

betical order" at the end of the introductory clause in subsec. (1).

The 1969 amendment inserted "in alphabetical order" in the introductory sentence in subsec. (1); inserted "where a conviction has resulted" in subsec. (2); and made a minor change in phraseology.

Collateral References.

Automobiles ⚡ 136.

60 CJS Motor Vehicles § 146.

41-2-12.1. Fee for making report. The drivers' license division of the department of public safety shall collect a fee of one dollar for searching the drivers' license files and making a report when requested by any person or company for a report on the driving record of any person licensed as an operator or chauffeur in the state of Utah.

History: L. 1957, ch. 73, § 1; 1967, ch. 82, § 6.

Compiler's Notes.

The 1967 amendment increased the fee from 50 cents to \$1.

Title of Act.

An act authorizing the drivers' license division of the department of public safety to collect a fee for searching the records and making reports. — Laws 1957, ch. 73.

41-2-12.2. Fees deposited in transportation fund — Expenses of tax commission — Budget. All fees collected under this act shall be transmitted monthly to the state treasurer for deposit in the transportation fund. The expenses of the state tax commission in carrying out the provisions of this act shall be provided for by legislative appropriation from this fund. The commission shall prepare and submit to the governor, to be included in his budget to the legislature, a budget of the requirements for carrying out the provisions of this act for the fiscal year next following the convening of the legislature.

History: L. 1957, ch. 73, § 2; 1969, ch. 99, § 1; 1977, ch. 117, § 10.

Compiler's Notes.

The 1969 amendment rewrote this section which provided for the deposit of fees in the vehicle control fund.

The 1977 amendment substituted "transportation fund" for "highway construction and maintenance fund."

Section 3 of Laws of 1969, ch. 99 provided: "The unexpended balance in the vehicle control fund as of July 1, 1969, shall be transferred to the highway construction and maintenance fund."

41-2-12.3. No fee for reports made to governmental agencies. Provided further, that no charge shall be made for reports furnished to municipal, county, state or federal agencies.

History: L. 1957, ch. 73, § 3.

41-2-13. Licenses issued to operators and chauffeurs — Contents — Anatomical gift indication — Temporary licenses — Minors' licenses and permits. (1) The department shall issue to every person privileged to drive as an operator, an operator's license certificate, and to every

person privileged to drive as a chauffeur, a chauffeur's license certificate. Any person privileged to drive as a chauffeur shall not be required to procure an operator's license, but no person shall drive any motor vehicle as a chauffeur unless licensed as a chauffeur.

(2) Every such license certificate shall bear thereon (a) the social security number and/or the distinguishing number assigned to the licensee, (b) the name, age and residence address of the licensee, a brief description of the licensee for the purpose of identification, and (c) a photograph of the licensee and a photograph or other facsimile of the licensee's signature. The license shall be of an impervious material, resistant to wear, damage and alteration. The size, form and color of said license shall be as prescribed by the commissioner of public safety and the commissioner may prescribe the issuance of a special type limited license as authorized in section 41-2-18 (d). In addition, the commissioner may in his discretion authorize the issuance of renewed or duplicate driver licenses without pictures in instances where the applicants are not then living within the boundaries of the state of Utah.

(3) (a) With every operator's or chauffeur's license issued or renewed on and after July 1, 1981, the division shall, upon the request of the licensee, provide a sticker which can be affixed to the back of the license and which will indicate the licensee's intent to make an anatomical gift pursuant to the requirements of the anatomical gift act in chapter 26 of title 26. The statement must be signed in the presence of at least one witness who shall sign the statement in the presence of the licensee.

(b) The division or any of its employees shall not be liable for any loss, detriment, or injury, directly or indirectly, which results from false or inaccurate information contained in the sticker issued to and signed by the licensee.

(4) The department, upon determining after an examination that an applicant is mentally and physically qualified to be granted a license, may issue to such a person a receipt for the fee which shall serve as a temporary license certificate allowing him to operate a motor vehicle while the department is completing its investigation and determining all of the facts bearing upon whether he is entitled to be licensed. Such receipt must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license certificate has been issued or for good cause the privilege has been refused. The department shall indicate on such receipts a date after which it ceases to be valid as a license certificate.

(5) The department will, when issuing to any person under 21 years of age, issue to all such persons who have qualified, an instruction permit or a temporary permit which is plainly printed with the word "minor," or an operator's or chauffeur's license of a special color not used for issue to persons 21 years of age and over.

History: L. 1933, ch. 45, § 13; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-16; L. 1963, ch. 68, § 1; 1967, ch. 82, § 7; 1981, ch. 129, § 1.

Compiler's Notes.

The 1935 amendment made minor changes in phraseology.

The 1941 amendment deleted provisions relating to chauffeur's badges; and rewrote provisions relating to temporary license certificates.

The 1963 amendment added subsec. (4) relating to licenses or permits issued to minors; and made a minor change in style.

The 1967 amendment rewrote subsec. (2) which read: "Every such license certificate shall bear thereon the distinguishing number assigned to the licensee and shall contain the name, age, residence address and a brief description of the licensee for the purpose of identification, also a space for the signature of the licensee, and every chauffeur's license certificate shall bear thereon a photograph of the licensee."

The 1981 amendment inserted subsec. (3); redesignated former subsecs. (3) and (4) as subsecs. (4) and (5); and made minor changes in phraseology.

Cross-References.

Impaired drivers, licenses, 41-2-39, 41-2-40.

Collateral References.

Automobiles \Leftrightarrow 136.

60 CJS Motor Vehicles § 146.

Licensing of drivers or operators, 7A AmJur 2d 269 et seq., Automobiles and Highway Traffic § 96 et seq.

Constitutionality, construction, and application of statute or ordinance imposing license fee or tax upon automobiles or trailers used for habitation, 150 ALR 853.

41-2-13.1. Change of address — Duty of licensee to notify department. Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him such person shall within ten days thereafter notify the department in writing of his new address and of the number of any license then held by him.

History: C. 1953, 41-2-13.1, enacted by L. 1967, ch. 82, § 10.

Title of Act.

An act amending sections 41-2-10, 41-2-11, 41-2-12, 41-2-14, 41-2-15, and 41-2-21, Utah Code Annotated 1953, section 41-2-5, Utah Code Annotated 1953, as amended by chapter 68, Laws of Utah 1955, as amended by chapter 78, Laws of Utah 1965, section 41-2-8, Utah Code Annotated 1953, as amended by chapter 82, Laws of Utah 1961, section 41-2-12.1, Utah Code Annotated 1953, as enacted by chapter 73, Laws of Utah 1957, section 41-2-13, Utah Code Annotated 1953, as amended by chapter 68, Laws of Utah 1963; enacting section 41-2-13.1, Utah Code

Annotated 1953, and repealing and re-enacting section 41-2-16, Utah Code Annotated 1953, as re-enacted by chapter 70, Laws of Utah 1955, as amended by chapter 74, Laws of Utah 1957, as amended by chapter 83, Laws of Utah 1961; relating to operators' and chauffeurs' licenses; providing for pictures on all licenses, increasing fees for original, renewal and duplicate licenses and for record searches, requiring completion of driver training for all first time licensees, terminating good-until revoked licenses, requiring re-examination for renewal, and making duration of licenses four years; and providing an effective date. — Laws 1967, ch. 82.

41-2-14. Duplicate license certificate — Fee. In the event that an operator's or chauffeur's license certificate issued under the provisions of this act shall be lost, stolen, or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof satisfactory to the department that such license certificate has been lost, stolen or destroyed and upon payment of a fee of \$3.00. In the event that the department is advised that an operator's or chauffeur's license certificate has been lost, stolen or destroyed, the same shall forthwith be void.

History: L. 1933, ch. 45, § 14; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 54-7-17; L. 1951, ch. 64, § 1; 1967, ch. 82, § 8.

Compiler's Notes.

The 1935 amendment substituted "fee of twenty-five cents" for "fees required by law."

The 1941 amendment added the last sentence.

The 1951 amendment increased the fee from 25¢ to \$1.

The 1967 amendment increased the fee from \$1 to \$3.

41-2-15. License to be carried when driving — Production in court.

The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display the same upon demand of a justice of peace, a peace officer or a field deputy or inspector of the department. It shall be a defense to any charge under this subsection that the person so charged produce in court an operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

History: L. 1933, ch. 45, § 15; C. 1943, 57-4-18; L. 1967, ch. 82, § 9.

Compiler's Notes.

The 1967 amendment deleted a paragraph at the beginning of this section which read: "Every person licensed as an operator shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of such certificate and every chauffeur shall write his usual signature with pen and ink across the face of the photograph on the license certificate issued to him immediately upon receipt of such certificate, and such license shall not be valid until the certificate is so signed."

Cross-References.

Registration card to be carried, 41-1-40.

Collateral References.

Automobiles ⇨ 142.

60 CJS Motor Vehicles § 159.

7A AmJur 2d 272, Automobiles and Highway Traffic § 101.

Effect of ulterior motive of official in exercising authority to require motorist to exhibit driver's license, 154 ALR 812.

Validity and construction of statute making it a criminal offense for operator of a motor vehicle not to carry or display his operator's license or the vehicle registration certificate, 6 ALR 3d 506.

Validity, construction, and application of statute regarding failure or refusal of operator of motor vehicle to display license on demand, 143 ALR 1016.

41-2-16. Expiration dates of operators' and chauffeurs' licenses — Renewal — Fees for renewal — Extension without examination — Files, forms and clerical help — Licensees in armed forces.

(1) Every operator's and chauffeur's license renewed after June 30, 1967 shall expire on the licensee's birth date in the fourth year following the year of issuance of such license, and no new license shall be issued to any person after the expiration of his license until he has again passed the examinations specified in subsection 41-2-11 (1) and has paid the required fee. Any operator's license granted without specific expiration date, heretofore designated as good-until-revoked license, shall expire on the date last stamped by the department upon such license and may be renewed as any other operator's license referred to in this chapter for the applicable period of time set forth above.

(2) The holder of a valid license may secure a renewal thereof by making application at any time within six months before such license expires, by passing the examination specified in section 41-2-11 (2) and by paying a fee of \$5.00 except for those 65 years of age and over a fee of \$3.00. Upon the payment of such fee and the passing of such examinations, the department shall issue a new license to such holder. Chauffeur's licenses may be renewed as operator's licenses.

The commissioner may allow the holder of a valid operator's or chauffeur's license to renew said license more than six months prior to its expiration date; provided, the applicant furnishes proof that such applicant will be absent from the state during the six-month period prior to the expiration of the license.

(3) At the discretion of the commissioner and under standards established by the department, operators' and chauffeurs' licenses expiring after July 1, 1980, may be extended for four years without examination for licensees whose driving records for the four years immediately preceding the determination of eligibility for extension show driving violation penalty points not exceeding 50, no suspensions or revocations, and no outstanding warrants for traffic violations. No extension shall be granted to any person who is identified by the department as having a medical impairment which may represent a hazard to public safety. The department shall charge \$5.00 per extension for each person under 65 years of age and \$3.00 per extension for each person 65 or over. During the period of the extension, or prior thereto, the department shall notify each licensee granted an extension under this subsection of changes to the traffic code.

(4) The department shall establish the necessary files, application blanks, license certificate blanks and clerical help to put into effect the provisions of this act.

(5) Utah operators' and chauffeurs' licenses held by persons ordered to active duty in any of the armed forces of the United States shall be honored as valid until ninety days after the person has been discharged or has left the service, unless such license is suspended or revoked for cause by the department.

(6) All operators' and chauffeurs' licenses in effect as of the effective date of this act unless expressly otherwise provided herein, shall continue in force and effect for the period for which such license was issued.

History: C. 1953, 41-2-16, enacted by L. 1967, ch. 82, § 11; L. 1969, ch. 99, § 2; 1975, ch. 118, § 1; 1980, ch. 46, § 2.

Compiler's Notes.

Laws 1967, ch. 82, § 11, repealed old section 41-2-16 (L. 1955, ch. 70, § 1; 1957, ch. 74, § 1; 1961, ch. 83, § 1), relating to operators' licenses without specific expiration dates, extension and renewal of licenses and license fees of persons in the armed forces, and enacted new section 41-2-16.

The 1969 amendment deleted a provision in subsec. (3) relating to the depositing of license fees in the vehicle control account; and made minor changes in phraseology and punctuation.

The 1975 amendment added the second paragraph to subsec. (2).

The 1980 amendment inserted subsec. (3); redesignated former subsecs. (3) to (5) as (4) to (6); and made a minor change in phraseology.

Effective Dates.

Section 4 of Laws 1969, ch. 99 provided: "This act shall take effect on July 1, 1969."

Section 3 of Laws 1980, ch. 46 provided: "This act shall take effect July 1, 1980."

Collateral References.

Automobiles ⇨ 136.

60 CJS Motor Vehicles § 146.

7A AmJur 2d 274, Automobiles and Highway Traffic § 102.

41-2-17. Court to report convictions and may recommend suspension of license. (a) Whenever any person is convicted of any offense for

which this act makes mandatory the revocation of the operator's or chauffeur's license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's license certificates then held by the person so convicted and the court shall thereupon forward the same together with the record of such conviction to the department.

(b) Every court having jurisdiction over offenses committed under this act or any other act of this state or under any city ordinance regulating the operation of motor vehicles on highways, shall within ten (10) days forward to the department an abstract of the court record of the conviction of any person in said court for a moving traffic violation of any said laws or ordinances, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

Said abstract shall be made upon a form approved and furnished by the department and shall include the name and address of the party charged, the number of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail was forfeited, and the severity of the violation, which shall be graded by the court as "minimum," "intermediate," or "maximum." In respect to a conviction or bond forfeiture for speeding, the severity of violation shall be graded as "minimum" for exceeding the posted speed limit by up to 9 miles per hour; as "intermediate" for exceeding the posted speed limit by from 10 to 19 miles per hour; and as "maximum" for exceeding the posted speed limit by 20 or more miles per hour.

(c) For the purposes of this act the term "conviction" shall mean conviction by the court of first impression. Also, for the purposes of this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(d) Where a convicted person secures a judgment of acquittal or reversal in any appellate court after conviction in the court of first impression, the department shall reinstate his operator's or chauffeur's license and return his license certificate immediately upon receipt of a certified copy of said judgment of acquittal or reversal.

History: L. 1933, ch. 45, § 17; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-20; L. 1961, ch. 84, § 1.

Compiler's Notes.

The 1935 amendment inserted subsec. (a); designated the former section as subsec. (b); inserted the references to city ordinances in subsec. (b); deleted a phrase at the end of the first paragraph of subsec. (b) which read: "and the department shall thereupon consider and act upon such recommendation in

such manner as may seem to it best"; and added subsec. (c).

The 1941 amendment added subsec. (d).

The 1961 amendment substituted "shall within ten (10) days forward to the department an abstract of the court record" in subsec. (b) for "shall forward to the department a record"; inserted "moving traffic" in subsec. (b); and added the second paragraph to subsec. (b).

Cross-References.

Probation, conditions, 77-18-1.

Collateral References.

Automobiles ⇔ 144.
60 CJS Motor Vehicles § 160.

Suspension, revocation, and reinstatement of licenses, 7A AmJur 2d 280 et seq., Automobiles and Highway Traffic § 112 et seq.

41-2-18. Mandatory revocation of license — Extension of period of suspension — Hearing — Limited driving privileges — Instructional programs. (a) Except as hereinafter provided, the department shall forthwith revoke the license of any person upon receiving a record of the conviction of such person of any of the following crimes:

(1) Manslaughter resulting from the operation of a motor vehicle.
(2) Driving or being in actual physical control of a vehicle while under the influence of alcohol or any drug or combination thereof as prescribed in section 41-6-44.

(3) Driving or being in actual physical control of a vehicle with a blood alcohol content of .10% or higher.

(4) Perjury or the making of a false affidavit to the department under this act or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways.

(5) Any crime punishable as a felony under which the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used.

(6) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.

(7) Two charges of reckless driving committed within a period of twelve months; provided, however, that if, upon a first conviction of reckless driving, the judge or justice shall recommend suspension of the convicted person's license, the department may, after a hearing suspend the said license for a period of three months.

(8) Failure to bring a vehicle to a stop at the command of a police officer as prescribed in section 41-6-13.5.

(b) The department, upon receiving:

(1) A record of the conviction of any person upon a charge of operating a motor vehicle while the privilege of such person is suspended or revoked; or

(2) A report of an accident in which such person was involved as a driver; or

(3) A record of an arrest or conviction of such person for any violation of the motor vehicle law in which such person was involved as a driver, shall extend the period of such first suspension for an additional like period or if the privilege is revoked, it shall refuse to act upon the application for a new license for an additional year after such persons would otherwise have been entitled to apply for such new license.

(c) When the department receives information that a person is driving while his license is suspended or revoked, based upon other than (1) and (3) of the foregoing subsection, such person shall be entitled to a hearing

in connection with the extension of such suspension of time as is provided for in case of suspensions in section 41-2-19.

(d) On recommendation of the trial judge in any case where a person is convicted of any of the crimes referred to in paragraphs (a) and (b) of this section, the department may at its discretion extend to such person the limited privilege of driving a vehicle to and from his place of employment or within other proper limits; provided, however, that this discretion shall be limited to cases where undue hardship would result from a failure to extend such privilege, and providing further that this extension of privilege shall be extended only once to any individual during any single period of suspension or revocation or extension of that suspension or revocation.

(e) Where the license revocation is based on a conviction for driving under the influence of alcohol, any drug or combination thereof, or driving a vehicle with a blood alcohol content of .10% or higher the recommendation of the trial judge shall state that he has, when it is feasible, ordered the convicted person to attend a program dealing with the interrelationship of alcohol, narcotics, drugs and driving. The trial judge has discretion to determine which programs, sponsored either by the state or private groups and approved by the department of social services, shall be used.

History: L. 1933, ch. 45, § 18; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-21; L. 1949, ch. 66, § 1; 1955, ch. 69, § 1; 1973, ch. 80, § 1; 1977, ch. 268, § 2; 1978, ch. 33, § 1; 1979, ch. 152, § 1.

Compiler's Notes.

The 1935 amendment changed the forfeiture of bail provisions from three charges of reckless driving within preceding 12 months to one charge in a three-month period; substituted the provisions requiring stop and rendering of aid for provisions requiring stop and disclosure of identity; and made minor changes in phraseology and style.

The 1941 amendment added a subd. (a)(6); rewrote subsec. (b) which read: "The department shall forthwith revoke the license of any person upon receiving a record of conviction or forfeiture of bail on one charge of reckless driving, for the period of three months"; added subds. (b)(1) to (b)(3); and rewrote subsec. (c) which read: "The department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended or revoked, shall immediately extend the period of such first suspension or revocation for an additional like period."

The 1949 amendment inserted "Except as hereinafter provided" at the beginning of subsec. (a); and added subsec. (d).

The 1955 amendment reduced the number of prior convictions for reckless driving from

three to two; and made minor changes in phraseology.

The 1973 amendment inserted subd. (a)(3) and redesignated the remaining subdivisions accordingly; added "during any single period of revocation or extension of that revocation" at the end of subsec. (d); and added subsec. (e).

The 1977 amendment inserted "or being in actual physical control of" in subd. (a)(2); substituted "alcohol or any drug or combination thereof as prescribed in section 41-6-44" for "intoxicating liquor or narcotic drug" in subd. (a)(2); and substituted "alcohol, any drug or combination thereof" for "intoxicating liquor or narcotic drug" near the beginning of subsec. (e).

The 1978 amendment added subd. (a)(8).

The 1979 amendment substituted "paragraphs (a) and (b) of this section" for "this section" near the beginning of subsec. (d); and substituted "suspension or revocation" for "revocation" twice near the end of subsec. (d).

Cross-References.

Driving with blood alcohol content of .10% or higher as misdemeanor, 41-6-44.2.

Probation, conditions, 77-18-1.

Limited license.

Refusal to follow district court's recommendation that limited license be issued to one who had been twice convicted of driving under the influence of intoxicating liquor

while driving under a prior limited license was not an abuse of discretion. *Pyne v. Dorius* (1971) 25 U 2d 262, 480 P 2d 143.

"Record of the conviction."

"Record of the conviction," under this section, need only be such a record or report from the trial court as to show the name of the court, the charge, the date of trial and the verdict. *Emmertson v. State Tax Comm.* (1937) 93 U 219, 72 P 2d 467, 113 ALR 1174.

Revocation of license is mandatory upon receipt of record of conviction, and does not depend upon any order or judgment, and consequently fact that judgment entered on verdict is defective or void or that judgment is suspended cannot affect revocation. *Emmertson v. State Tax Comm.* (1937) 93 U 219, 72 P 2d 467, 113 ALR 1174.

Words and phrases defined.

"Conviction," as used herein, means only verdict of guilty, and does not refer to judgment or sentence. *Emmertson v. State Tax Comm.* (1937) 93 U 219, 72 P 2d 467, 113 ALR 1174.

Collateral References.

Automobiles ⇌ 144.

60 CJS Motor Vehicles § 160.

Suspension, revocation, and reinstatement of license, 7A AmJur 2d 280 et seq., Automobiles and Highway Traffic § 112 et seq.

Habitual violations: validity and construction of legislation authorizing revocation or suspension of operator's license, for "habitual," "persistent," or "frequent" violations of traffic regulations, 9 ALR 3d 756.

Necessity of notice and hearing before revocation or suspension of motor vehicle driver's license, 60 ALR 3d 361.

Regulations establishing a "point system" as regards suspension or revocation of license of operator of motor vehicle, 5 ALR 3d 690.

Sufficiency of notice and hearing before revocation or suspension of motor vehicle driver's license, 60 ALR 3d 427.

Validity of statutes relating to revocation of operators' licenses, 71 ALR 616, 108 ALR 1162, 125 ALR 1459.

What amounts to conviction or satisfies requirement as to showing of conviction within statute making conviction a ground for refusing to grant or for canceling license or special privilege, 113 ALR 1179.

41-2-19. Department may suspend or revoke licenses — Separate procedures for assessing points for speeding — No points assessed on minimum violations — Exception for school zones. (a) The department may immediately suspend the license of any person without hearing and without receiving a record of conviction of such person of crime whenever the department has reason to believe:

(1) That such person has committed any offenses for the conviction of which mandatory revocation of license is provided in section 41-2-18.

(2) That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or serious property damage.

(3) That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways.

(4) That such person is an habitual negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws of this state.

(5) That such person has permitted an unlawful or fraudulent use of such license.

(6) That such person has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways. To aid the department in applying the standard provided in this subsection, the department shall establish and administer a point system as hereinafter set forth.

(A) The department shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.

(B) The assigning of such points shall be based upon actual relationships between types of moving traffic violations and motor vehicle traffic accidents.

(C) Every person convicted of a moving traffic violation shall have assessed against his driving record the number of points which the department has assigned to the type of violation of which such person has been convicted, except that the number of points so assessed shall be decreased by ten per cent (10%) if on the abstract of the court record of the conviction the court has graded the severity of violation as "minimum," and shall be increased by ten per cent (10%) if on such abstract the court has graded the severity of violation as "maximum"; except, that a separate procedure for assessing points for speeding offenses shall be established by the department based upon the severity of the offense and that consideration be made for assessment of no points on minimum speeding violations except for school zones.

(D) Points assessed against a person's driving record shall be deleted in respect to a violation occurring previous to a time limit set by the department, which time limit shall not exceed three years. The department may also delete points to reward violation-free driving for periods of time set by the department.

(E) By publication in two newspapers having general circulation throughout the state, the department shall give notice of the number of points it has assigned to each type of moving traffic violation, the time limit set by the department for the deletion of points, and the point level at which the department will generally take suspension action under the provisions of this subsection, and the department shall at no time make a change in any of the above particulars without first giving notice thereof in the same manner.

(b) Upon suspending the license of any person as in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the department or its duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. One or more members of the department may conduct such hearing, and any decision made after a hearing before any number of the members of the department shall be as valid as if made after a hearing before the full membership of the department. After such hearing the department shall either rescind its order of suspension, or good cause appearing therefor, may extend the suspension of such license or revoke such license.

If a person, whose license has been suspended following re-examination or who is incompetent to drive or who is afflicted with mental or physical infirmities, which might make him dangerous on the highways or who may not have the necessary knowledge or skill to operate a motor vehicle safely, fails to demonstrate within a year of the suspension that he is qualified to drive, the department shall change the suspension to a revocation which shall be considered to have been effective on that date the suspension began. The new license may be applied for by such a person as provided in section 41-2-21.

(c) The department is hereby authorized to suspend or revoke the license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur. The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) The department is hereby authorized to suspend or revoke the license of any nonresident to operate a motor vehicle in this state for any cause for which the license of a resident operator or chauffeur may be suspended or revoked, and any nonresident who operates a motor vehicle upon a highway when his license has been suspended or revoked by the department shall be guilty of a misdemeanor.

(e) The department shall not suspend the license of any person for a period of more than one year, except as provided in subsection (c) of section 41-2-18, and upon suspending or revoking a license it shall require that all license certificates held by such person shall be surrendered to the department. At the end of such period of suspension such certificate so surrendered shall be returned to the licensee.

(f) The department may immediately suspend the license of any person without hearing and without receiving a record of conviction of such person of crime whenever the department has reason to believe that such person's license was issued by the department through error or fraud or that the necessary consent for such license has been withdrawn or is terminated. The procedure upon such suspension shall be the same as is provided by subsection (b) hereof, except that after hearing the department shall either rescind its order of suspension or cancel the license.

(g) The department, having good cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee require him to submit to an examination. Upon the conclusion of such examination the department shall take such action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restriction as permitted under section

41-2-9. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

(h) No report authorized by section 41-2-12.1 shall contain any evidence of a conviction for speeding on an interstate system located in this state if the conviction was for a speed of less than 71 miles per hour and did not result in an accident unless authorized in writing by the individual whose report is being requested.

History: C. 1953, 41-2-19, enacted by L. 1978 (2nd S.S.), ch. 9, § 2.

Compiler's Notes.

Laws 1978 (2nd S.S.), ch. 9, § 1 repealed old section 41-2-19 (L. 1933, ch. 45, § 19; 1941, ch. 51, § 2; C. 1943, 57-4-22; L. 1961, ch. 85, § 1; 1978, ch. 34, § 2), relating to suspension and revocation of licenses, and enacted a new section 41-2-19.

Constitutionality.

The point system authorized by this section does not violate constitutional equal protection rights. *Barney v. Cox* (1978) 588 P 2d 696.

Habitual negligence.

Proof of three moving violations within eighteen months constitutes prima facie evidence that the driver is habitually negligent, but the motorist may introduce evidence to the contrary. *McAnerney v. State Dept. of Public Safety* (1959) 9 U 2d 191, 341 P 2d 212.

Moving violations.

Some moving violations, in view of the surrounding circumstances, have no relationship to negligent driving and such matters are for the determination of the department, in the first instance, and the court upon subsequent proceedings. *McAnerney v. State Dept. of Public Safety* (1959) 9 U 2d 191, 341 P 2d 212.

Prior violations.

Violations used in a prior determination and suspension should not be used as the basis for a second order of suspension. *McAnerney v. State Dept. of Public Safety* (1959) 9 U 2d 191, 341 P 2d 212.

Collateral References.

Automobiles ⇄ 144.
60 CJS Motor Vehicles § 160.
7A AmJur 2d 285-287, Automobiles and Highway Traffic §§ 117, 118.

Habitual violations, validity and construction of legislation authorizing revocation or suspension of operator's license, for "habitual," "persistent," or "frequent" violations of traffic regulations, 9 ALR 3d 756.

Necessity of notice and hearing before revocation or suspension of motor vehicle driver's license, 60 ALR 3d 361, 427.

Regulations establishing a "point system" as regards suspension or revocation of license of operator of motor vehicle, 5 ALR 3d 690.

Validity of statutes relating to revocation of operators' licenses, 71 ALR 616, 108 ALR 1162, 125 ALR 1459.

What amounts to conviction or satisfies requirement as to showing of conviction within statute making conviction a ground for refusing to grant or for canceling license or special privilege, 113 ALR 1179.

41-2-20. Canceling, suspending or revoking licenses — Petition for hearing in court of record. Any person denied a license or whose license has been canceled, suspended or revoked by the department except where such cancellation or revocation is mandatory under the provisions of this act shall have the right to file a petition within thirty days thereafter for a hearing in the matter in a court of record in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten days' written notice to the department, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to cancellation, suspension or revocation of license under the provisions of this act.

History: L. 1933, ch. 45, § 20; 1935, ch. 47, § 2; C. 1943, 57-4-23.

Compiler's Notes.

The 1935 amendment inserted references to canceling or suspending licenses.

Trial de novo.

It is the duty of the court to hear the case de novo, to take testimony, examine the facts, and make an independent determina-

tion concerning habitual negligence and not merely to review the action of the department. *McAnerney v. State Dept. of Public Safety* (1959) 9 U 2d 191, 341 P 2d 212.

41-2-21. New license after revocation. (1) Any person whose license has been revoked under this act shall not be entitled to apply for or receive any new license until the expiration of one year from the date such former license was revoked or longer as provided in sections 41-2-18 and 41-2-19. Licenses which have been revoked may not be renewed, but application for a new license must be filed as provided in section 41-2-8, and a license so issued shall be subject to all of the provisions of an original license. The department shall not grant the license until an investigation of the character, abilities and habits of the driver has been made to indicate whether it will be safe to again grant him the privilege of using the highways.

(2) Any resident or nonresident whose operator's or chauffeur's license to operate a motor vehicle in this state has been suspended or revoked as provided in this act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this act.

History: L. 1933, ch. 45, § 21; 1935, ch. 47, § 2; 1941, ch. 51, § 2; C. 1943, 57-4-24; L. 1967, ch. 82, § 12.

Compiler's Notes.

The 1935 amendment added "except as provided in section 18(b) of this act" to the first sentence.

The 1941 amendment substituted "or longer as provided in sections 41-2-18 and 41-2-19" for the exception added by the 1935

amendment; inserted the second sentence in subsec. (a); and added subsec. (b).

The 1967 amendment redesignated subsecs. (a) and (b) as (1) and (2); and added "a license so issued shall be subject to all of the provisions of an original license" to the second sentence in subsec. (1).

Effective Date.

Section 13 of Laws 1967, ch. 82 provided: "This act shall become effective on July 1, 1967."

41-2-22. Owner liable for negligence of minor. Every owner of a motor vehicle causing or knowingly permitting a minor under the age of eighteen years to drive such vehicle upon a highway, and any person who gives or furnishes a motor vehicle to such minor, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in driving such vehicle.

History: L. 1933, ch. 45, § 23; C. 1943, 57-4-26.

Application.

Where defendant father instructed his son to leave the cars alone and not to drive them anywhere except to drive them into the yard, and the son then drove upon the highway and had an accident the father cannot be liable under this section. *Mugleston v. Glaittli* (1953) 123 U 238, 258 P 2d 438.

Contributory negligence.

This section does not require the contributory negligence of a minor driver to be imputed to the designated responsible person in his action against a negligent third party but is merely designed to protect innocent third parties from the negligence of a minor driver by providing financial responsibility. *Phillips v. Tooele City Corp.* (1972) 28 U 2d 223, 500 P 2d 669.

Legislative purpose.

The legislative purpose behind the enactment of this section is to protect innocent third parties from the negligence of a minor driver by providing financial responsibility and to deter automobile owners from permitting incompetent minor drivers from using their cars. *Strange v. Ostlund* (1979) 594 P 2d 877.

Owner's liability.

This section did not make owner liable for injuries to guest arising out of negligence of minor operator in the absence of the willful misconduct required by 41-9-1. *Eckols v. Anderson* (1972) 27 U 2d 74, 493 P 2d 304.

Willful misconduct.

A finding that an accident was caused by the willful misconduct of a minor driver does not preclude recovery against the owner of the automobile under this section on the basis that this section limits the owner's liability to negligence of the minor. *Strange v. Ostlund* (1979) 594 P 2d 877.

Collateral References.

Automobiles ⇔ 192(11).

60 CJS Motor Vehicles § 431.

7A AmJur 2d 885, Automobiles and Highway Traffic § 654.

Purchasing motor vehicle for, or giving it to, minor or incompetent driver, as rendering donor liable for driver's acts, 36 ALR 2d 735.

41-2-23. Violation of license provisions. It shall be unlawful for any person to commit any of the following acts:

First. To display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;

Second. To lend to, or knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

Third. To display or to represent as one's own any operator's or chauffeur's license not issued to the person so displaying the same;

Fourth. To fail or refuse to surrender to the department upon demand, any operator's or chauffeur's license which has been suspended, canceled or revoked as provided by law;

Fifth. To use a false or fictitious name or give a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

History: L. 1933, ch. 45, § 24; C. 1943, 57-4-27.

61 CJS Motor Vehicles § 588.

7A AmJur 2d 321-324, Automobiles and Highway Traffic §§ 146-149.

Collateral References.

Automobiles ⇔ 324.

41-2-24. Making false affidavit perjury. Any person who shall make any false affidavit or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn to or affirmed, shall be guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

History: L. 1933, ch. 45, § 25; C. 1943, 57-4-28.

41-2-25. Unlawful to permit unlicensed minor to drive. It shall be unlawful for any person to cause or knowingly permit any minor under

the age of eighteen years to drive a motor vehicle upon a highway as an operator, unless such minor shall have first obtained a license to so drive a motor vehicle under the provisions of this act.

History: L. 1933, ch. 45, § 26; C. 1943, 57-4-29.

41-2-26. Unlawful to employ unlicensed chauffeur. No person shall employ any chauffeur to operate any motor vehicle who is not licensed as provided in this act.

History: L. 1933, ch. 45, § 27; C. 1943, 57-4-30.

41-2-27. Unlawful to permit violation of act — Renting vehicles. (a) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of this act.

(b) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder, or in the case of a nonresident then duly licensed under the laws of the state or country of his residence, except a nonresident whose home state or country does not require that an operator be licensed.

(c) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(d) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

History: L. 1933, ch. 45, § 28; 1935, ch. 47, § 2; C. 1943, 57-4-31.

Compiler's Notes.

The 1935 amendment added subsecs. (b) to (d).

Application.

Where defendant father instructed his son to leave the cars alone except to drive them into the yard and not to drive them anywhere else and the son then drove away on the highway and had an accident, the father

cannot be liable under this section, for it requires the owner to "authorize or knowingly permit" the violation. *Mugleston v. Glaittli* (1953) 123 U 238, 258 P 2d 438.

Collateral References.

Automobiles ⇌ 324.
61 CJS Motor Vehicles § 588.
7A AmJur 2d 867, Automobiles and Highway Traffic § 641.

Motor vehicles, regulation of business of renting without driver, 7 ALR 2d 456.

41-2-28. Unlawful to drive while license suspended or revoked. Any person whose operator's or chauffeur's license has been suspended or revoked, as provided in this act, and who shall drive any motor vehicle upon the highways of this state while such license is suspended or revoked,

shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 41-2-30.

History: L. 1933, ch. 45, § 29; C. 1943, 57-4-32.

Cross-References.

Safety Responsibility Act, driving with license suspended or revoked under, penalty, 41-12-32.

Collateral References.

Automobiles ⇌ 324.
61 CJS Motor Vehicles § 588.
Driving when license suspended or revoked, 7A AmJur 2d 323, Automobiles and Highway Traffic § 148.

41-2-29. Violation of act — Penalty. (a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this act shall be punished by a fine of not more than \$299 or by imprisonment of not more than six months, or by both such fine and imprisonment.

History: L. 1933, ch. 45, § 30; C. 1943, 57-4-33; L. 1967, ch. 83, § 1.

Compiler's Notes.

The 1967 amendment reduced the maximum fine from \$300 to \$299.

41-2-30. Penalty for driving while license suspended or revoked. Any person convicted of a violation of section 41-2-28 shall be punished by imprisonment in the county or municipal jail for a period of not more than six months and there may be imposed in addition thereto a fine of not more than \$299.

History: L. 1933, ch. 45, § 31; C. 1943, 57-4-34; L. 1967, ch. 83, § 1.

Compiler's Notes.

The 1967 amendment reduced the maximum fine from \$300 to \$299.

41-2-31. Uniformity of interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

History: L. 1933, ch. 45, § 32; C. 1943, 57-4-35.

Collateral References.

Statutes ⇌ 179.
82 CJS Statutes § 371.
73 AmJur 2d 480, Statutes § 338.

41-2-32. Short title. This act may be cited as the Uniform Operators' and Chauffeurs' License Act.

History: L. 1933, ch. 45, § 33; C. 1943, 57-4-36.

Compiler's Notes.

See notes under Uniform Laws at 41-2-1.

Separability Clause.

Section 34 of Laws 1933, ch. 45 provided: "If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if

it had known that such part or parts thereof would be declared unconstitutional."

Repealing Clause.

Section 35 of Laws 1933, ch. 45 provided: "All acts or parts of acts inconsistent with the provisions of this act are hereby repealed."

Effective Date.

Section 36 of Laws 1933, ch. 45 provided: "This act shall take effect from and after the first day of January, 1934."

Collateral References.

Automobiles ⇌ 132.
60 CJS Motor Vehicles § 146.
7A AmJur 2d 269, Automobiles and Highway Traffic § 96.

41-2-33 to 41-2-35. Repealed.

Repeal.

Sections 41-2-33 to 41-2-35 (L. 1965, ch. 80, §§ 1 to 3), relating to issuance of temporary

licenses to epileptics, were repealed by Laws 1979, ch. 161, § 3.

41-2-36. Repealed.

Repeal.

Section 41-2-36 (L. 1965, ch. 80, § 4), relating to the creation of a board of review for

denials of licenses to epileptics, was repealed by L. 1969, ch. 100, § 2.

41-2-37, 41-2-38. Repealed.

Repeal.

Sections 41-2-37, 41-2-38 (L. 1965, ch. 80, § 5; 1969, ch. 100, § 1), relating to forms used

by physicians pursuant to epileptic licensing provisions, and the creation of ad hoc driver license medical advisory boards, were repealed by Laws 1979, ch. 161, § 3.

41-2-39. Impaired persons — Licensing — Examination — Information confidential. (1) For the purpose of this section and section 41-2-40, "impaired person" means a person who is afflicted with or suffering from a mental, emotional or non-stable physical impairment or disease that may impair the person's ability to exercise reasonable and ordinary control at all times over a motor vehicle while operating the same upon the highways. An impaired person is not intended to include a person having a non-progressive or stable physical impairment which is objectively observable and which may be evaluated by a functional driving examination.

(2) When the department has reason to believe that an applicant for an operator's or chauffeur's license may be an impaired person, the department may, at its discretion, require the applicant to complete one or both of the following:

(a) A physical examination by a physician or surgeon duly licensed to practice medicine in this state and the submittal by the examining physician or surgeon of a signed medical report indicating the results of the physical examination. The format of the report shall be devised by the department with the advice of the department's driver license medical advisory board and shall be designed to elicit the necessary medical information to determine whether it would be a hazard to public safety to permit the applicant to operate a motor vehicle upon the highways.

(b) Follow-up medical review by a physician or surgeon and completion of the above described report at intervals established by the department under standards recommended by the driver license medical advisory board.

(3) The department may issue a restricted license to any impaired person who is otherwise qualified to obtain a license. The license shall continue in force only as long as the licensee complies with the requirements set forth by the department. In no event shall the license be valid beyond the date of expiration shown on the license. On such date the license is subject to renewal pursuant to the conditions of this section. Any physical, mental or emotional impairment of the applicant which, in the opinion of the department, does not affect the applicant's ability to exercise reasonable and ordinary control at all times in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(4) When an examination is required as provided above, the department is not bound by the recommendation of the examining physician but shall give fair consideration to the recommendation in exercising its discretion in acting upon the application, the criterion being whether, upon all the evidence, it is safe to permit the applicant to operate a vehicle. In deciding whether to issue or deny a license, the department may be guided by the opinion of experts in the fields of diagnosing and treating mental, physical or emotional disabilities and may take into consideration any other factors which bear on the issue of public safety.

(5) Information relating to physical, mental, or emotional impairment shall be confidential.

History: C. 1953, 41-2-39, enacted by L. 1979, ch. 161, § 1.

medical advisory board. — Laws 1979, ch. 161.

Title of Act.

An act enacting sections 41-2-39 and 41-2-40, Utah Code Annotated 1953, repealing sections 41-2-33, 41-2-34, 41-2-35 and 41-2-37, Utah Code Annotated 1953, as enacted by chapter 80, Laws of Utah 1965, and section 41-2-38, Utah Code Annotated 1953, as enacted by chapter 100, Laws of Utah 1969; relating to motor vehicles; providing standards and means for evaluating the licensing of persons whose ability to operate a motor vehicle may not be objectively evaluated; and providing for the creation of a driver license

Repealing Clause.

Section 3 of Laws 1979, ch. 161 provided: "Sections 41-2-33, 41-2-34, 41-2-35 and 41-2-37, Utah Code Annotated 1953, as enacted by Chapter 80, Laws of Utah 1965, and Section 41-2-38, Utah Code Annotated 1953, as enacted by Chapter 100, Laws of Utah 1969, are repealed."

Collateral References.

Denial, suspension, or cancellation of driver's license because of physical disease or defect, 38 ALR 3d 452.

41-2-40. Driver license medical advisory board — Membership — Recommendations — Action regarding impaired persons — Duty to report impairments — Immunity from damages. (1) The commissioner of public safety is hereby empowered to create a driver license medical advisory board, hereafter referred to as the board. The membership of the board shall be composed of three regular members appointed by the executive director of the state department of health and assisted by expert panel

members nominated by them as the need arises and approved by the executive director of the state department of health. The regular members of the board shall serve as its executive committee and shall be empowered to act for the full board. They shall be assisted by expert panel members in recommending medical standards in the areas of the panel members' special competence for determining the physical, mental and emotional capabilities of applicants for driver licenses and holders of such licenses. In reviewing individual cases, a panel, acting with the authority of the board, shall consist of at least two members of which at least one shall be a regular board member. The director of the driver license division or his designate shall serve as secretary to the board and its panels. Members of the executive committee and expert panel members nominated by them shall be physicians duly licensed to practice medicine in all of its branches and shall receive per diem of \$25 and expenses for each meeting of the board or one of its panels to be paid as an operating expense by the driver license division. The board shall be convened and shall meet from time to time when called by the director of the driver license division.

(2) The board shall recommend written guidelines for determining the physical, mental and emotional capabilities of applicants for driver licenses and for holders of such licenses. The guidelines shall be applicable to all individuals who hold current Utah operator or chauffeur licenses and for all individuals who hold learner permits and are participating in driving activities in all forms of driver education. The guidelines shall be published by the driver license division, shall be subject to the Utah Administrative Rule-making Act, and shall be subject to public hearings at least annually.

(3) When the department has reason to believe that an applicant or licensee is an impaired person, it may:

- (a) Act upon the matter based upon the published guidelines;
- (b) Convene a panel to consider the matter. The panel shall submit written findings and a recommendation. The department shall consider the recommendation along with other evidence in determining whether a license should be suspended, revoked, denied or restricted.

(4) When the department has acted under subsection (3) to suspend, revoke, deny, or restrict the driving privilege, without the convening of a panel, the affected applicant or licensee may, within 10 days of receiving notice of the action, request in writing a review of the department's action by a panel. The panel shall review the matters and make written findings and conclusions pursuant to which the department shall affirm or modify its previous action.

(5) Actions of the department shall be subject to judicial review in the manner provided in the operator's and chauffeur's license act. The guidelines, standards, findings, conclusions and recommendations of the board or of a panel shall be admissible as evidence in any judicial review.

(6) Members of the board and its panels shall incur no liability for recommendations, findings, conclusions or for other acts performed incidental to membership on the board or a panel.

(7) The department shall provide forms for the use of physicians in depicting the medical history of any physical, mental or emotional impairment affecting the applicant's or licensee's ability to operate a motor vehicle.

(8) (a) Individuals who apply for or hold an operator's or chauffeur's license and who have, or develop, or suspect that they have developed a physical, mental or emotional impairment which may affect driving safety are responsible for reporting this to the department or its agent. In the event of uncertainty, the individual shall be expected to seek competent medical evaluation and advice as to the significance of the impairment as it relates to driving safety, and to refrain from driving until such clarification has been accomplished.

(b) Physicians who care for patients with physical, mental or emotional impairments which may affect their driving safety, whether defined by published guidelines or not, are responsible for making available to their patients without reservation their recommendations and appropriate information related to driving safety and responsibilities.

(c) Any physician or other person who becomes aware of a physical, mental or emotional impairment which appears to present an imminent threat to driving safety and reports this information to the department in good faith shall have immunity from any damages claimed as a result of so doing.

History: C. 1953, 41-2-40, enacted by L. 1981, ch. 126, § 42.

Compiler's Notes.

Laws 1981, ch. 126, § 42 repealed old section 41-2-40 (L. 1979, ch. 161, § 2), relating to the driver license medical advisory board, and enacted new section 41-2-40.

CHAPTER 3

DEALERS, SALESMEN, MANUFACTURERS, TRANSPORTERS AND WRECKERS

Section

- 41-3-1. Repealed.
- 41-3-2. Sale by dealer — Certificate of title or origin delivered to department or vendee — Violation as misdemeanor — Notice to department.
- 41-3-3. Violation of chapter as misdemeanor — Action by violator prohibited.
- 41-3-4. Terms defined.
- 41-3-5. Partial invalidity — Saving clause.
- 41-3-6. Licensing motor vehicle dealers, salesmen, manufacturers, transporters, dismantlers, distributors, representatives, crushers and remanufacturers — Motorcycle and small trailer dealers — Violation as misdemeanor.
- 41-3-7. Definitions.
- 41-3-8. Administrator's powers and duties — Grounds for denial or revocation of license.
- 41-3-9. Advisory board — Creation and composition — Appointment, terms, compensation and expenses of members — Meetings — Quorum — Powers and duties — Officers' election and duties — Voting.
- 41-3-10. Copies of records and papers — Admissibility in evidence.
- 41-3-11. Attorney general — Duty to render opinions and to represent or appear for administrator or advisory board.